

REMARKS

Reconsideration is requested.

Claims 1-9 are pending.

Claim 1 has been amended above to obviate the Section 112, second paragraph, rejection of claims 1-9. The applicants believe the amended claim obviates the Section 112, second paragraph, rejection and entry of the above amendment will, at the minimum, reduce the issues for appeal. Entry of the amendment is therefore requested along with withdrawal of the Section 112, second paragraph, rejection of claims 1-9.

The Section 103 rejection of claims 1-9 over U.S. Patent No. 4,344,763 and EP 464835 or EP 159628 is traversed. Reconsideration and withdrawal of the rejection are requested in view of the remarks of record as well as the following further comments.

The Examiner is understood to believe that Example III of EP 464835 discloses sulfuric acid. The latter is an ingredient of an anionic/amphoteric shampoo, used to clean each tress and which is rinsed for 30 seconds, therefore being eliminated. This step is then followed by the setting of the tresses in plastic rollers and allowed to dry overnight. It is only after rinsing, setting and overnight drying steps that the hair fixative formulations are applied to the hair. The sulfuric acid cannot be used as a neutralizing agent in the cited art, as it is not present when the silane composition is applied to the hair. In addition, it is mentioned on page 2, line 52, that the compositions of EP '835 are obtained "without neutralization".

The applicants therefore maintain that the person of ordinary skill in the art would not have been inclined or motivated by the cited art to use a neutralizing agent, in

particular sulfuric acid and/or its derivatives, in association with a water-soluble organic silicon compound as claimed.

Furthermore, the Examiner is urged to appreciate that the present application relates to organic silicon compounds which are water-soluble (claim 1) in order to prepare "compositions that do not require the use of an organic solvent" (page 4, line 13); whereas the compounds used in EP 835 have a "high humidity resistance from water as well as ethanol-water-solubility" (page 2, line 52) and all the compositions described in the examples are prepared in ethanol only. The same may be said for EP 159628, wherein the "silanes are readily solubilized in ethanol, isopropyl alcohol and many other organic solvents" (page 6, line 1) and the compositions disclosed in this document all contains an organic solvent. The person of ordinary skill in the art would therefore not have been inclined or motivated to consult the two secondary references in order to obtain a composition or the presently claimed invention.

The claims are submitted to be patentable over the cited art and withdrawal of the Section 103 rejection of claims 1-9 is requested.

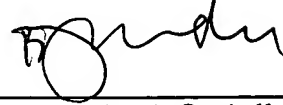
The Examiner is requested to contact the undersigned if anything further is required.

ROLLAT-CORVOL
Appl. No. 10/069,220
November 29, 2004

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



B. J. Sadoff
Reg. No. 36,663

BJS:pp
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100